

## CHECK LIST FOR WRITING PROPOSED/EMERGENCY REGULATIONS

(July 2017)

### **STATUTORY AUTHORITY INCLUDING ANY NEWLY ENACTED LEGISLATION.**

- Regulations cover all aspects required by the law.
- Regulations DO NOT EXCEED statutory authority.

### **AUTHORITY LINE.**

- Authority cites apply to THIS ACTION ONLY.

### **WORD USAGE.**

#### **“SHALL” / “MAY” / “MAY NOT” USED CORRECTLY:**

“Shall” indicates a mandatory action.

“May not” indicates absolute prohibition. Do not use “shall not.”

“May” indicates discretion to act.

- STATUTORY AUTHORITY** for the “shall” / “may” / “may not” statements is confirmed.

### **“MUST” or “SHOULD” IS NOT USED.**

### **“WILL” IS USED ONLY AS A TERM OF THE FUTURE.**

- SAME TERM IS USED THROUGHOUT REGULATIONS.** No multiple terms for the same thing. For example, do not use “industry,” “the regulated industry,” “the milk industry,” and “the regulated milk industry.”

### **FORMATTING / STYLE.**

- EVERY** requirement outlined in the Division of State Document’s Style Manual has been followed. Manual is on-line at: [www.dsd.state.md.us/stylemanual.PDF](http://www.dsd.state.md.us/stylemanual.PDF)
- Regulation is written in third person singular and in active voice.
- All terms defined in the Definitions regulation are used within the TEXT of the regulations.
- All new language is in *italics*.
- Deleted or Repealed Text.
  - Inserted deleted or repealed text into bolded brackets, but do not bold text within brackets:  
[deleted text]
  - Sections with numerous changes have been deleted in their entirety and all new language has been inserted.
  - All deleted language is shown and not simply left out.
- No regulation exceeds 5 double-spaced pages.
- No list contains more than one (1) complete sentence.

### **ECONOMIC IMPACTS.**

- If a regulation implements or changes a fee or monetary penalty, economic impact is completed and the Fee Justification portion of the Notice of Proposed Action is completed.
- Part II Types of Impacts and Part III Assumptions of the Estimate of Economic Impact match up.
- Part II A, B & C negative or positive impacts also impact Part II D, E & F; for instance, if a program provides public benefits, there usually is a cost to the agency as well as a benefit to the public.

### **MISCELLANEOUS.**

- Comments solicited from ALL groups affected by the regulations (Internal to MDH and External).
- All cross-references (within the affected regulation and chapter) are correct. COMAR On-Line search has been conducted to confirm that all cites are updated.
- Incorporation by Reference documents comply with the standards outlined in the DSD’s Incorporation by Reference (IBR) Manual. IBR Manual is on-line at: [www.dsd.state.md.us/MDRegister/IBRManual.pdf](http://www.dsd.state.md.us/MDRegister/IBRManual.pdf).